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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/923,323 | 08/08/2001 | Jung-Wan Ko | 1293.1059-CIPD2 | 3345 |
| 21171 | 7590 | 02/12/2004 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | CHIEU, PO LIN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2615 | 16 |

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,323

Applicant(s)

KO ET AL.

Examiner

Polin Chieu

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-13 and 16-29 is/are allowed.
- 6) ☒ Claim(s) 9, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/263,816.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see arguments, filed 1/22/04, with respect to the rejection(s) of claim(s) 9, 14-15 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Moriyama et al and Naruki et al. The examiner notes that the Office Action dated 5/19/03 was sent out after the amendment submitted 5/16/03. Therefore, the Office Action dated 11/19/03 should have been non-final. Since the rejection used in the Office Action dated 11/19/03 has been withdrawn this action is non-final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyama et al (5,889,746).

Regarding claim 9, Moriyama et al discloses a storage medium which includes audio data stored in an audio area (43) with catalog playback information and catalog information related (2, col. 14, lines 58-67) to the audio data and stored in another area other than the audio area, and common catalog data (fig. 12, i.e. album title) information

commonly applied for more than one of the audio data recorded on the storage medium, and title catalog information (fig. 12, i.e. song name) corresponding to each of the audio data (fig. 1); a video decoder (fig. 19); an audio decoder which decodes the audio data to be restored to generate restored audio signals (fig. 19); a controller which controls playback of one of the common catalog information and the title catalog information according to the catalog playback information (fig. 20-22); wherein the video decoder decodes the common catalog information and the title catalog information according to a standard digital versatile disk video (DVD-video) specification (fig. 1). However, Moriyama et al does not disclose decoding one of the common catalog data, the title catalog information, and additional information to generate a restored image.

It is well known in the art that images including catalog data (i.e. song title, album name, artist, etc.) accompanying audio can be displayed while related audio is being played back (i.e. Karaoke). Therefore, it would have been obvious to decode one of the common catalog information, the title catalog information, and additional information to generate a restored image.

It would have been highly desirable to decode the common catalog information, title catalog information, and additional information so that an accompanying data can be displayed while the audio data is being played back so that the user or viewers can determine the artist, album name, song title, lyrics, etc. when the audio data is playing.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to decode catalog and additional information in the device of Moriyama et al.

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4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyama et al in view of Naruki et al (6,377,862).

Regarding claims 14-15, Moriyama et al discloses catalog information related to audio data (fig. 12) stored in an area other than the catalog area (fig. 1), wherein the catalog information comprises common catalog information commonly applied for more than one of the audio data recorded on the storage medium (fig. 12), and title catalog information corresponding to each of the audio data (fig. 12); an optical pickup which reads the storage medium and the corresponding common catalog information and title catalog information (fig. 19); a processor (fig. 19) which reproduces the common catalog information and title catalog information according to catalog playback information (fig. 9); the storage medium stores DVD-video (fig. 1), and the processor reproduces the DVD-video according to the editing system for the DVD-video (fig. 19). However, Moriyama et al does not disclose DVD-audio.

Naruki et al teaches DVD-audio data (fig. 5B) recorded in an area other than the catalog area (note: Moriyama et al stores the catalog data in the VMG; col. 14, lines 58-67).

It would have been highly desirable to have DVD-audio so that a high quality audio signal is recorded.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have DVD-audio in the device of Moriyama et al.

Allowable Subject Matter

5. Claims 1-8, 10-13, and 16-29 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-Th 8:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


THAI TRAN
PRIMARY EXAMINER